

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE PATTERSON

LARISA NOVIKOVA,

Petitioner,

v.

MICHAEL MUKASEY, in his official capacity as
Attorney General of the United States,

MICHAEL CHERTOFF, in his official capacity as
Secretary of the Department of the Homeland Security
("DHS"),

EMILIO GONZALEZ, in his official capacity as Director
for the United States Citizenship and Immigration Services
("USCIS"),

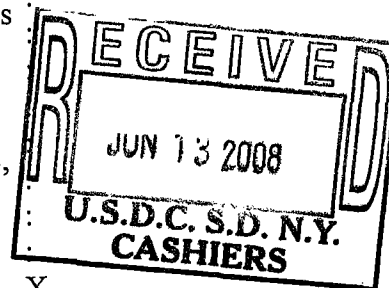
ANDREA J. QUARANTILLO, in her official capacity as
District Director for the New York City District of USCIS,

Respondents.

08 CIV 54127

PETITION

FOR HEARING AND
DETERMINATION OF
NATURALIZATION
APPLICATION



NATURE OF THE PETITION

Pursuant to the Immigration and Nationality Act ("INA") § 336(b), codified at 8 U.S.C. § 1447 (b), and 8 C.F.R. § 310.5(a), Petitioner, LARISA NOVIKOVA, Alien Number A071056276, by her attorneys, Cleary Gottlieb Steen & Hamilton LLP, respectfully requests a hearing and determination on the matter of her application for naturalization.

JURISDICTION AND VENUE

1. Jurisdiction is conferred by 8 U.S.C. § 1447(b) and 8 C.F.R. § 310.5(a), which grant jurisdiction to the United States District Court in which the Petitioner/applicant resides if the Petitioner's application for naturalization has not resulted in a determination within 120 days from the date on which an examination occurred pursuant to 8 U.S.C. § 1446

and 8 C.F.R. § 335.2. The United States District Court has jurisdiction to either “determine the matter” or remand it to USCIS “with appropriate instructions.” 8 U.S.C. § 1447(b). Venue is proper under 8 U.S.C. § 1447(b) because the Petitioner resides in this District.

THE PARTIES

2. Petitioner:

Petitioner Larisa Novikova resides at 2132 Wallace Avenue, apt. 346, The Bronx, New York 10462. Ms. Novikova is a lawful permanent resident of the United States.

3. Respondents:

Respondent Michael Mukasey is the Attorney General of the United States. In his capacity as Attorney General, Mr. Mukasey has “[t]he sole authority to naturalize persons as citizens of the United States.” 8 U.S.C. § 1421. Likewise, in his capacity as Attorney General, Mr. Mukasey is responsible for controlling determination of all issues of law pertaining to immigration and naturalization, and for representing the United States of America in various legal matters, pursuant to 8 U.S.C. § 1103. Accordingly, he has ultimate decision-making authority over the matters alleged in this Petition, including specifically the failure by USCIS to adjudicate Petitioner’s naturalization application within the time limits prescribed by 8 U.S.C. § 1447(b) and 8 C.F.R. § 335.3(a).

Respondent Michael Chertoff is the Secretary of the Department of Homeland Security (“DHS”). In his capacity as Secretary of the DHS, Mr. Chertoff is responsible for, *inter alia*, administering USCIS and assuring the implementation and enforcement of the INA. *See* 8 U.S.C. § 1103. Accordingly, he has decision-making authority over the matters alleged in this Petition, including specifically the failure by USCIS to adjudicate

Petitioner's naturalization application within the time limits prescribed by 8 U.S.C.

§ 1447(b) and 8 C.F.R. § 335.3(a).

Respondent Emilio Gonzalez is the Director of United States Citizenship and Immigration Services ("USCIS" or the "Service"). In his capacity as Director of USCIS, Mr. Gonzalez is responsible for, *inter alia*, the administration of immigration benefits and services, including the processing of naturalization applications of immigrants residing in the United States. As such, he has decision-making authority over the matters alleged in this Petition, including specifically the failure by USCIS to adjudicate Petitioner's naturalization application within the time limits prescribed by 8 U.S.C. § 1447(b) and 8 C.F.R. § 335.3(a).

Respondent Andrea J. Quarantillo is the District Director of the New York City District of USCIS. In her capacity as New York City District Director, Ms. Quarantillo is responsible for, *inter alia*, administering the immigration laws on behalf of the Secretary for the DHS in the five New York Boroughs and nine surrounding Counties of the New York City District. In her position, she has decision-making authority with respect to the matters alleged in this Petition, including specifically the failure by USCIS to adjudicate Petitioner's naturalization application within the time limits prescribed by 8 U.S.C. § 1447(b) and 8 C.F.R. § 335.3(a).

STATUTORY AND ADMINISTRATIVE SCHEME

4. After an application for naturalization is filed, the applicant appears before a Service Officer for an examination. 8 C.F.R. § 335.2(a). The applicant is to be notified of this examination by the Service. 8 C.F.R. § 335.2(b). During the examination, the applicant is questioned under oath or affirmation. 8 C.F.R. § 335.2(c). If necessary, the examining

officer corrects written answers in the application for naturalization to conform to the oral statements made under oath or affirmation. *Id.* The Service Officer maintains brief notations of the examination for naturalization and, at the conclusion of the examination, creates a record for determination of the case. 8 C.F.R. § 335.2(e).

5. Generally, the examination of an applicant for naturalization includes a test in English literacy and knowledge of the history and government of the United States. 8 C.F.R. § 312. However, there are exceptions. In particular, certain applicants may be exempt from these educational requirements based on medically determinable physical or mental impairments. 8 C.F.R. §§ 312.1(b)(3), 312.2(b).
6. “A decision to grant or deny the application shall be made at the time of the initial examination or within 120-days after the date of the initial examination of the applicant for naturalization under [8 C.F.R.] § 335.2.” 8 C.F.R. § 335.3(a). The applicant must then be notified that the application has either been granted or denied. *Id.* If it is granted, the applicant will also be notified of the procedures to be followed for the administration of the oath of allegiance pursuant to 8 C.F.R. § 337. *Id.* If it is denied, a detailed written notice of denial will be served upon the applicant. 8 C.F.R. § 336.1.
7. Under 8 U.S.C. § 1447(b) and 8 C.F.R. § 310.5(a), if an application for naturalization has not resulted in a determination within 120 days of the date of the initial examination by the Service Officer, the applicant has the right to seek a determination directly from the United States District Court for the district in which the applicant resides.

STATEMENT OF FACTS

8. The Petitioner, Ms. Larisa Novikova, was born on March 27, 1940 in the Sumska region of Ukraine (then part of the former USSR). On or about March 26, 2001, Ms. Novikova

and her husband were granted refugee status in the United States and became lawful permanent residents. Attached as Exhibit A hereto is a true copy of Ms. Novikova's Ukrainian passport (relevant pages) with an official stamp at page 9 stating that she was "admitted as a refugee pursuant to Section 207 of the INA for an indefinite period of time." Attached as Exhibit B hereto is a true copy of Ms. Novikova's permanent resident card, issued on March 26, 2001.

9. Since March 26, 2001, Ms. Novikova has permanently resided in the United States and continuously maintained her permanent resident status.
10. On or about February 24, 2006, Ms. Novikova filed with USCIS her application for naturalization. Attached as Exhibit C hereto is a true copy of Form I-797C dated March 4, 2006, wherein USCIS acknowledged the receipt of Ms. Novikova's Application for Naturalization (Form N400) on February 24, 2006.
11. On or about March 25, 2006, Ms. Novikova appeared at an USCIS Office for fingerprinting pursuant to the USCIS Notice of Action (Form I-797C) dated March 10, 2006, a true copy of which is attached as Exhibit D hereto.
12. On May 16, 2006, Ms. Novikova had an examination by USCIS Officer Klein, pursuant to 8 U.S.C. §1446 and 8 C.F.R. § 335.2(a). Attached as Exhibit E hereto is a true copy of Form N-652, "Naturalization Interview Results," which states that Ms. Novikova was "exempted from the requirement to demonstrate English language ability and/or knowledge of U.S. history and government" under the Disability Exception, and further stating that Ms. Novikova's "application has been recommended for approval" because she had "established [her] eligibility for naturalization."

13. Ms. Novikova's husband, Aleksandr Altman, had his examination by an USCIS Officer on the same day, May 16, 2006, and became a U.S. citizen a month later, in June 2006. Ms. Novikova, however, has never received from USCIS any notice of a final determination of her naturalization application. .
14. Since the date of her examination by Officer Klein, Ms. Novikova has repeatedly contacted USCIS, both directly and through her Congressional representative, requesting updates on the status of her naturalization application.
15. Attached as Exhibit F hereto is a true copy of a USCIS fax dated November 20, 2006, addressed to Ms. Novikova's Congressional representative in response to the latter's inquiry on the status of Ms. Novikova's naturalization application, stating that Ms. Novikova's case is "currently pending security agency checks" and advising that "[o]nce a response is received, the case will be adjudicated accordingly."
16. Attached as Exhibit G hereto is a true copy of an e-mail from USCIS dated September 20, 2007, advising Ms. Novikova's Congressional representative that "USCIS is pending completion of all background security checks prior to making a final decision on the application" and that "no time frame can be offered as to when a completion of the background checks will take place."
17. Attached as Exhibit H hereto is a true copy of a USCIS letter dated March 17, 2008, responding to Ms. Novikova's inquiry by stating that the processing of her case had been "delayed" and "is not yet ready for decision, as the required investigation into [her] background remains open." Attached as Exhibit I hereto is a true copy of yet another USCIS letter dated March 21, 2008, again responding to Ms. Novikova's inquiry in virtually identical terms.

18. More than two years have passed since Ms. Novikova's examination by the Service Officer, who recommended her application for approval. However, the Respondents have never notified Ms. Novikova of any decision on her naturalization application.
19. As a result of this delay, Ms. Novikova has recently lost her social security income, on which she depends for survival. Attached as Exhibit J hereto is a true copy of a letter from the Social Security Administration dated March 3, 2008, advising Ms. Novikova that her Supplemental Security Income (SSI) was being terminated as of April 1, 2008, because SSI eligibility for *non-naturalized* asylees is limited to the first 7 years after being admitted to the United States, and that period had expired for Ms. Novikova. In accordance with this letter, the SSI payments to Ms. Novikova were indeed terminated as of April 1, 2008.
20. Ms. Novikova is a person of good moral character who has continuously been a lawful permanent resident of the United States for over 7 years. As such, Ms. Novikova meets all legal requirements for naturalization under the INA and the Code of Federal Regulations.

CAUSE OF ACTION

21. By failing to make a determination on Ms. Novikova's application for naturalization, the Respondents have violated 8 U.S.C. § 1447(b) and 8 C.F.R. § 335.3(a), which require a determination within 120 days of the initial examination by a Service Officer.

RELIEF REQUESTED

22. Petitioner respectfully requests that this Court adjudicate Petitioner's naturalization application, as authorized under 8 U.S.C. § 1447(b) and 8 C.F.R. § 310.5(a).

23. In the alternative, Petitioner respectfully requests that her naturalization application be remanded to USCIS, with instructions that USCIS must adjudicate the application promptly, in a time frame not to exceed two weeks from the date of this Court's order.

Dated: New York, New York
June 13, 2008

CLEARY GOTTlieb STEEN & HAMILTON LLP



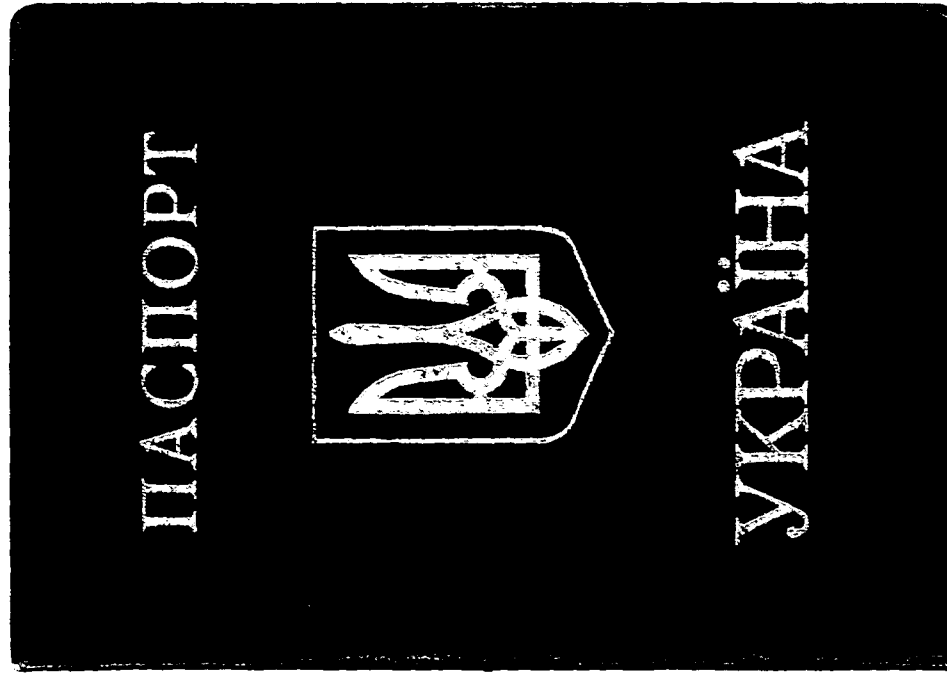
By:

Mitchell A. Lowenthal (ML-2541)
Vitali S. Rosenfeld (VR- 2974)
Anna A. Makanju (AM-7377)

One Liberty Plaza
New York, New York 10006
Tel. (212) 225-2000
Fax (212) 225-3999

Attorneys for Petitioner Larisa Novikova

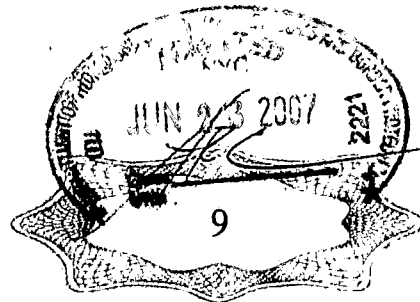
EXHIBIT A



BIZN / VISAS



MAR 26 2001 NYC2258



9

EXHIBIT B

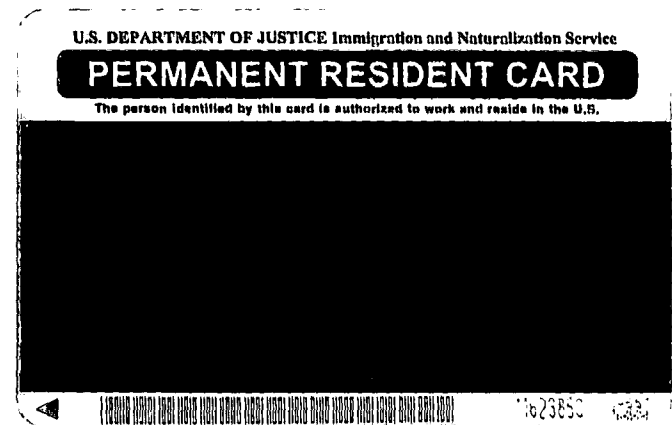


EXHIBIT C

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action



Receipt		NOTICE DATE March 04, 2006	
CASE TYPE N400 Application For Naturalization		INS A# A 076 068 207	
APPLICATION NUMBER ESC*001574933	RECEIVED DATE February 24, 2006	PRIORITY DATE February 24, 2006	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS LARISA GRIGORYEVNA NOVIKOVA 2132 WALLECE AVENUE #346 BRONX NY 10462		PAYMENT INFORMATION: Single Application Fee: \$400.00 Total Amount Received: \$400.00 Total Balance Due: \$0.00	
<p>The above application has been received by our office and is in process. Our records indicate your personal information is as follows:</p> <p>Date of Birth: March 27, 1940 Address Where You Live: 2132 WALLECE AVENUE #346 BRONX NY 10462</p> <p>Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.</p> <p>You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 540 days of this notice.</p>			
<p>If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.</p> <p>If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.</p> <p>If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.</p>			
INS Office Address: US IMMIGRATION AND NATURALIZATION SERVICE 75 LOWER WELDEN STREET ST ALBANS VT 05479-		INS Customer Service Number: (800) 375-5283	
ESC\$001557943		APPLICANT COPY	

- Please save this notice for your records. Please enclose a copy if you have to write us or a U. S. Consulate about this case, or if you file another application based on this decision.
 - You will be notified separately about any other applications or petitions you have filed.
-

Additional Information

GENERAL.

The filing of an application or petition does not in itself allow a person to enter the United States and does not confer any other right or benefit.

INQUIRIES.

You should contact the office listed on the reverse side of this notice if you have questions about the notice, or questions about the status of your application or petition. *We recommend you call.* However, if you write us, please enclose a copy of this notice with your letter.

APPROVAL OF NONIMMIGRANT PETITION.

Approval of a nonimmigrant petition means that the person for whom it was filed has been found eligible for the requested classification. If this notice indicated we are notifying a U S Consulate about the approval for the purpose of visa issuance, and you or the person you filed for have questions about visa issuance, please contact the appropriate U S. Consulate directly.

APPROVAL OF AN IMMIGRANT PETITION.

Approval of an immigrant petition does not convey any right or status. The approved petition simply establishes a basis upon which the person you filed for can apply for an immigrant or fiance(e) visa or for adjustment of status.

A person is not guaranteed issuance of a visa or a grant of adjustment simply because this petition is approved. Those processes look at additional criteria.

If this notice indicates we have approved the immigrant petition you filed, and have forwarded it to the Department of State Immigrant Visa Processing Center, that office will contact the person you filed the petition for directly with information about visa issuance.

In addition to the information on the reverse of this notice, the instructions for the petition you filed provide additional information about processing after approval of the petition.

For more information about whether a person who is already in the U S. can apply for adjustment of status, please see Form I-485, *Application to Register Permanent Residence or Adjust Status*

EXHIBIT D

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action



Fingerprint Notification			NOTICE DATE March 10, 2006
CASE TYPE N400 Application For Naturalization			INS A# A 076 068 207
APPLICATION NUMBER ESC*001574933	RECEIVED DATE February 24, 2006	PRIORITY DATE February 24, 2006	PAGE 1 of 1
<p>APPLICANT NAME AND MAILING ADDRESS: BIOMETRICS PROCESSING STAMP</p> <p>LARISA GRIGORYEVNA NOVIK 2132 WALLECE AVENUE BRONX NY 10462</p> <p>ASUSITE CODE: BRONX NY</p> <p>BIOMETRICS QA REVIEW BY:</p> <p>ON</p> <p>TENPRINTS QA REVIEW BY:</p> <p>ON MAR 2 2006</p> <p> </p> <p>To process your application, INS must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</p>			
APPLICATION SUPPORT CENTER INS BRONX 2378 GRAND CONCOURSE BRONX NY 10458		DATE AND TIME OF APPOINTMENT 03/25/2006 11.00 AM	
<p>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:</p> <p>1. THIS APPOINTMENT NOTICE and</p> <p>2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted</p>			
PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.			
<p align="center">REQUEST FOR RESCHEDULING</p> <p>Please reschedule my appointment for the next available. <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon</p> <p>INS cannot guarantee the day preferred, but will do so to the extent possible</p> <p>Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:</p> <p>INS BRONX 2378 GRAND CONCOURSE BRONX NY 10458</p> <p>If you have any questions regarding this notice, please call 1-800-375-5283.</p> <p align="right">APPLICANT COPY</p> <p align="right"></p>			
<p align="center">WARNING!</p> <p>Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you</p>			

- *Please save this notice for your records. Please enclose a copy if you have to write us or a U. S. Consulate about this case, or if you file another application based on this decision.*
 - *You will be notified separately about any other applications or petitions you have filed.*
-

Additional Information

GENERAL.

The filing of an application or petition does not in itself allow a person to enter the United States and does not confer any other right or benefit.

INQUIRIES.

You should contact the office listed on the reverse side of this notice if you have questions about the notice, or questions about the status of your application or petition. *We recommend you call.* However, if you write us, please enclose a copy of this notice with your letter.

APPROVAL OF NONIMMIGRANT PETITION.

Approval of a nonimmigrant petition means that the person for whom it was filed has been found eligible for the requested classification. If this notice indicated we are notifying a U.S. Consulate about the approval for the purpose of visa issuance, and you or the person you filed for have questions about visa issuance, please contact the appropriate U.S. Consulate directly.

APPROVAL OF AN IMMIGRANT PETITION.

Approval of an immigrant petition does not convey any right or status. The approved petition simply establishes a basis upon which the person you filed for can apply for an immigrant or fiance(e) visa or for adjustment of status.

A person is not guaranteed issuance of a visa or a grant of adjustment simply because this petition is approved. Those processes look at additional criteria.

If this notice indicates we have approved the immigrant petition you filed, and have forwarded it to the Department of State Immigrant Visa Processing Center, that office will contact the person you filed the petition for directly with information about visa issuance.

In addition to the information on the reverse of this notice, the instructions for the petition you filed provide additional information about processing after approval of the petition.

For more information about whether a person who is already in the U.S. can apply for adjustment of status, please see Form I-485, *Application to Register Permanent Residence or Adjust Status*.

EXHIBIT E

Department of Homeland Security
U.S. Citizenship and Immigration Services

N-652, Naturalization Interview Results

A#: 076 068 207

On 05/16/06, you were interviewed by USCIS officer KLEIN

- ☐ You passed the tests of English and U.S. history and government.
- ☐ You passed the tests of U.S. history and government and the English language requirement was waived.
- ☒ USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ speak/ _____ read/ _____ write English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on Form N-14.
- ☐ USCIS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your _____ English ability/ _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400 USCIS will send you a written decision about your application.

A) ☒ **Congratulations! Your application has been recommended for approval.** At this time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) _____ **A decision cannot yet be made about your application.**

It is very important that you:

- ☒ Notify USCIS if you change your address
- ☒ Come to any scheduled interview.
- ☒ Submit all requested documents.
- ☒ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.
- ☒ Go to any Oath Ceremony that you are scheduled to attend.
- ☒ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS has not made a determination on your application within 120 days of the date of your examination

EXHIBIT F

11/22/2006 15:09 FAX 2122642269

CONGRESSIONAL

002/002

Congressional Unit

GIVE THIS YOUR IMMEDIATE ATTENTION!



File No: 76068207
Date : 11/20/2006
Ctrl : 07-1372

In Re: NOVIKOVA, LARISA

Information requested by : CROWLEY, JOSEPH
3425 EAST TREMONT AVE BRONX, NY 10465

☐ Attorney ☐ Congressional ☐ Consulate ☐ Other

Inquiry: ☐ Telephone ☐ By Letter ☐ Appeared in person

To: CON

Information requested: FOR REVIEW AND RESPONSE. DUE BY 12/20/2006

STATUS OF N-400.

Information furnished:

PLEASE BE ADVISED THAT ACCORDING TO USCIS RECORDS, APPLICANT'S CASE IS CURRENTLY PENDING SECURITY AGENCY CHECKS. ONCE A RESPONSE IS RECEIVED, THE CASE WILL BE ADJUDICATED ACCORDINGLY.


(Signature of Officer or Employee)

Approved by: 
(Signature of Supervisor)

Location:

EXHIBIT G

Mahony, Fran

From: NYCONG [Nycong@dhs.gov]
Sent: Thursday, September 20, 2007 7:25 AM
To: Mahony, Fran
Subject: FW:



2007C91914192237
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CTRL #07-9553

USCIS is pending completion of all background security checks prior to making a final decision on the application. Unfortunately, no time frame can be offered as to when completion of the background checks will take place. However, please be advised that once a final decision is made on the application, the applicant will receive written notification from USCIS.

USCIS/NYC Congressional Office

-----Original Message-----

From: Mahony, Fran [mailto:Fran.Mahony@mail.house.gov]
Sent: Wednesday, September 19, 2007 2:29 PM
To: Nycong
Subject: FW:

Do we have an update on the enclosed case?
Novikova, Larisa
A76 068 207

Fran Mahony Reilly
Director of Community Outreach
Congressman Joseph Crowley
2800 Bruckner Boulevard, Suite 301
Bronx, New York 10465
(718) 931-1400

-----Original Message-----

From: Mahony, Fran
Sent: Wednesday, September 19, 2007 2:19 PM
To: Mahony, Fran
Subject:

This E-mail was sent from "RNPB5A83Q" (Aficio MP 4500).

Scan Date: 09.19.2007 14:19:22 (-0400)

EXHIBIT H

U.S. Department of Homeland Security

Jacob Javits Federal Building
26 Federal Plaza
New York, NY 10278



**U.S. Citizenship
and Immigration
Services**

Monday, March 17, 2008

LARISA NOVIKOVA
2132 WALLACE AVENUE APT. 346
BRONX NY 10462

Dear Larisa Novikova:

On 03/13/2008 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Person who contacted us:	Yakobson, Raisa
Caller indicated they are:	Translator for Applicant or Petitioner
Attorney Name:	Information not available
Case type:	N400
Filing date:	02/28/2006
Receipt #:	ESC*001574933
Beneficiary (if you filed for someone else):	Information not available
Your USCIS Account Number (A-number):	A076068207
Type of service requested:	SSI Expedite

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT I

U.S. Department of Homeland Security
Jacob Javits Federal Building
26 Federal Plaza
New York, NY 10278



**U.S. Citizenship
and Immigration
Services**

Friday, March 21, 2008

LARISA NOVIKOVA
2132 WALLACE AVENUE, APT# 346
BRONX NY 10462

Dear Larisa Novikova:

On 03/20/2008 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Person who contacted us:	Novikova, Inna
Caller indicated they are:	Translator for Applicant or Petitioner
Attorney Name:	Information not available
Case type:	N400
Filing date:	02/28/2006
Receipt #:	ESC*001574933
Beneficiary (if you filed for someone else):	Information not available
Your USCIS Account Number (A-number):	A076068207
Type of service requested:	Outside Normal Processing Times

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT J

712/239-6228 14

Social Security Administration
Supplemental Security Income
Notice of Planned Action

Date: March 3, 2008
Claim Number: [REDACTED] DS

000003545 01 MB 0.360 0225,M10,020
147 08S1582C48962



LARISA NOVIKOVA
2132 WALLACE AVE
APT 346
BRONX NY 10462-2502



Type of Eligibility:
Member of Couple-
Disabled

You Will Lose Your SSI On April 1, 2008

We plan to stop your Supplemental Security Income (SSI) payment beginning April 1, 2008. This is 7 years after March 2001, the month you were granted asylum under section 208 of the Immigration and Nationality Act (INA).

We urge you to read this entire letter, including the information about appeal rights and the information about Medicaid eligibility.

Contact Us Immediately If You Think You May Be Eligible

You must now be in one of the categories below to be eligible for SSI:

1. Citizens or nationals of the U.S.
2. Aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) and who have worked long enough to have at least a total of 40 qualifying quarters of work. An alien may get the 40 quarters of work himself or herself. Also, work done by a spouse or parent may count toward the 40 quarters of work for getting SSI only.

We can help you get the information you need to prove how many quarters of work you, your spouse or your parents have.

We cannot count any quarter of work acquired after December 31, 1996 if the alien or the worker received certain types of federally funded assistance during that quarter.

To qualify based on 40 quarters of work:

See Next Page



03/03/2008

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- the alien had to enter the U.S. before August 22, 1996, or
 - if the alien entered the U.S. on or after August 22, 1996, the alien had to have been in one or more of the alien eligibility categories listed in this letter for 5 years or more.
3. Certain aliens who are blind or disabled and were lawfully residing in the U.S. on August 22, 1996.
 4. Certain aliens who are lawfully residing in the U.S. and who were receiving SSI benefits on August 22, 1996.
 5. American Indians born outside the U.S. who are under section 289 of the INA or who are members of federally recognized Indian tribes under section 4(e) of the Indian Self-Determination and Education Assistance Act.
 6. Aliens admitted as refugees under section 207 of the INA. SSI eligibility is limited to the first 7 years after being admitted as a refugee. The 7 years apply even if the alien's status changes to lawfully admitted for permanent residence. However, the 7-year limit does not apply if the alien meets the requirements in category 2, 3, 4 or 11.
 7. Aliens granted asylum under section 208 of the INA. SSI eligibility is limited to the first 7 years after asylum is granted. The 7 years apply even if the alien's status changes to lawfully admitted for permanent residence. However, the 7-year limit does not apply if the alien meets the requirements in category 2, 3, 4 or 11.
 8. Aliens whose deportation has been withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal has been withheld under section 241(b)(3) of the INA. SSI eligibility is limited to the first 7 years after deportation or removal is withheld. The 7 years apply even if the alien's status changes to lawfully admitted for permanent residence. However, the 7-year limit does not apply if the alien meets the requirements in category 2, 3, 4 or 11.
 9. Aliens who are Cuban or Haitian entrants as defined in section 501(e) of the Refugee Education Assistance Act of 1980. SSI eligibility is limited to the first 7 years after entrant status is granted. The 7 years apply even if the alien's status changes to lawfully admitted for permanent residence. However, the 7-year limit does not apply if the alien meets the requirements in category 2, 3, 4 or 11.